

DETAINED

**No. 19-70635**

**RECEIVED**

**IN THE UNITED STATES COURT OF APPEALS**

**JUN 04 2021**

**FOR THE NINTH CIRCUIT**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

**JUAN MENDEZ-BAROCIO,**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**Agency No. A090-098-913**

**(Criminal No. H048225)**

**(Criminal No. H048425)**

**DEPORTATION CASE**

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**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR PANEL REHEARING  
AND/OR REHEARING EN BANC**

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COMES NOW Petitioner, pursuant to Federal Rules of Appellate Procedure 26(b) and 27 and moves the Court for an order extending the time to file a Petition for Panel Rehearing; rehearing-en-banc, or certiorari, from the current date of June 8, 2021, for a period of thirty (30) days, to July 7, 2021, for the following reasons:

1. I am a Pro se, in this matter.
2. In addition, I am an "untrained layman" who is unable to compose or intelligently file an appeal brief, Petition for Panel Rehearing; rehearing-en-banc, or certiorari, or argue to the United States Court Of Appeals For The Ninth Circuit, let alone any other court;
3. I have no clue what is a Panel rehearing and/or Rehearing En Banc and do not know how to draft it.
4. I need time to research and educate myself to understand what it is and how to draft it or make the motion and what is needed.
5. Moreover, my detention only adds to the difficulties of filing an appeal brief. See *Rodriguez v. Robbins* ("*Rodriguez III*"), 804 F.3d 1060 (9th Cir. 2015) ("Confinement makes it more difficult to retain or meet with legal counsel, and the resources in detention facility law libraries are minimal at best, thereby compounding the challenges of navigating

the complexities of immigration law and proceedings.”) 804 F.3d 1073;

6. I am also researching and studying on how to draft a motion to stay the mandate.

7. I do not know when to send the motion to stay mandate if it is know or with the certiorari or after.

8. I am also working in a habeas corpus to file it in the Northern District Court to exhaust the unexhaust issued due to this court lack jurisdiction to review claims not presented to the agency.

9. I am currently considering whether to file a motion to reopen in the BIA in this case if time allows me to do so.

10. I also have collaterally attacked the state criminal convictions that had formed the basis of the charge of removal in a writ of habeas corpus and motion to vacate conviction that is currently pending in the Court of Appeal of the state of California Sixth Appellate District case Nos: H048425 and H048225

11. I am going to bypass the state Supreme Court of appeal and send a writ of habeas corpus to the Northern District Court regarding the same issue argued in the case No: H048425 and H048225.

12. I have a lot to research and educate myself to complete and do what I can in this short time I am requesting.

13. I am respectfully requesting for this Court to grant the Motion For Extension Of Time To File Petition For Panel Rehearing and/or Rehearing En Banc.

14. I affirm, under penalty of perjury, that all of the foregoing statements are true and correct.

Respectfully Submitted this 1<sup>st</sup> day of June, 2021.

  
\_\_\_\_\_  
Mendez-Barocio Juan

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JUAN BAROCIO-MENDEZ )  
Petitioner, ) Case No. 20-cv-06110-YGR  
vs. ) Agency No: A090-098-913  
WARDEN OF IMMIGRATION )  
DETENTION FACILITY, ) **PROOF OF SERVICE**  
Respondent, )

I hereby certify that on June 2, 2021, I served a copy of the attached **motion(s) and/or exhibit listed below** by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the United States Mail at **Bakersfield California:**

Office of the Clerk  
United States District Court  
Northern District of California  
450 Golden Gate Ave., 16<sup>th</sup> Fl.  
San Francisco, CA 94102

JAMES A. HURLEY  
Office of Immigration Litigation  
P.O. Box 878, Ben Franklin Station  
Washington, D.C. 20044

1. Petitioner's Notice Of The Motion For Extension Of Time To File Petition For Panel Rehearing And/Or Rehearing En Banc
2. Motion For Extension Of Time To File Petition For Panel Rehearing And/Or Rehearing En Banc

I declare under penalty of perjury that the foregoing is true and correct.

  
JUAN BAROCIO-MENDEZ